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for EGYPT file

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[name],

We are trying to get some info on the proposed resolution authored by Rep. Wolf that's currently before the Foreign Affairs Committee...we didn't think it was going anywhere but now are hearing some rumors that it might move. Please see the attached document from the Embassy for a rebuttal of the resolution, which points out the factual inaccuracies contained therein. We're not quite sure how a resolution authored by a Republican member is getting this kind of attention at this time of year, but perhaps you might have some more info about its fate? Thanks in advance.

PLM Group LLC provides representation for the Government of the Arab Republic of Egypt. More information is available at the Dept. of Justice, Washington DC.

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Embassy of Egypt in Washington, DC

## **Reform, Human Rights and Religious Freedom in Egypt**

### **Re: Draft Resolution Initiated by Congressman Frank Wolf “Calling on the Egyptian government to respect human rights and freedoms of religion and expression in Egypt”**

#### **Introduction**

The purpose of this paper is to shed light on the contents of the draft resolution with a view to setting the facts straight and revealing the erroneous nature of the allegations contained there-in, and consequently the misrepresentation of the situation in Egypt as portrayed in relation to human rights and fundamental and religious freedoms.

In this vein, Egypt has been undergoing a process of reform aimed at broadening political participation, ensuring freedom of expression in all its forms, upholding human rights and empowering and enabling women and the civil society organizations to participate fully and effectively in public life. The Government of Egypt is fully committed to working towards these goals, and wisdom dictates the need to encourage the steps taken as opposed to embracing an incriminating posture.

The draft's title and core message lie in conflict with references made to Egypt's role in the Middle East peace process, Egypt's role against international terrorism, fundamentalism and Egypt's efforts geared towards fighting smuggling through tunnels into Gaza. Qualifying Egypt's role as “significant” and “welcoming” Egypt's efforts is a positive admission that reflects realities on the ground; however this incorporation is misplaced as it relates in abstract to the issue of human rights and fundamental freedoms, and as such calls into question the credibility of the approach and the rationale that triggered it.

#### **The Constitutional and Legal Framework**

The promotion and protection of human rights and fundamental freedoms is enshrined in the Egyptian constitution which unequivocally states that all citizens enjoy equal rights and duties before the law without discrimination on any basis. The constitution further upholds the freedom of belief and an individual's right to practice his/her religion. Furthermore the Egyptian penal code protects the practice by all citizens of their religion and all religious symbols and punishes any individual that tries to hinder the religious practice of any group or to hold any religion in contempt or defame it.

The Egyptian judiciary is the guarantor for the respect of human rights, including religious rights, in Egypt. Judges, public prosecutors and police officers are continuously trained in order to assure that they are well aware of the principles and practices relevant to human rights.

## **Efforts at the National Level to Further Enhance the Rights of Coptic Christians**

It is unfortunate that the draft has tended to generalize sporadic incidents occurring in Egypt and portray them as reflective of a systematic, institutionalized pattern of conduct. Many of such incidents or claims have been empirically shown to be untrue.

To set the record straight, the government of Egypt has adopted several specific measures in recent years to ensure that Coptic Christians fully enjoy their constitutional rights. (A paper on these specific measures is attached).

## **The Alleged Issue of “Forced Religious Conversion”**

The issue of converting from one religion to another is dealt with, unambiguously, in Egyptian Laws. There is absolutely no legal restriction preventing any individual from changing their faith.

Claims of forced conversion should be verified. Every claim made in the past has been looked into by the police and by the office of the public prosecutor. Invariably claims of this nature have been found to be unsubstantiated and made by families of young Coptic girls who had become romantically involved with a Moslem man. The element of coercion was never established and not once was a claim of forced conversion made by the individual concerned herself. We believe that making such claims – particularly by anyone outside of Egypt – is extremely irresponsible. The only effect of such actions is stoking the fires of radicalism and animosity amongst Egyptians.

## **Conversion from Islam to Christianity**

The Administrative Court issued a ruling on April 17<sup>th</sup> 2007 which denied the request of a number of applicants who had sought to change their religious designation in IDs from Muslim to Christian. These individuals were originally Christians who briefly converted to Islam and were seeking to reconvert to Christianity.

In denying this request the court reasoned that the applicant’s conversion spree was tantamount to manipulation of religion for personal interests. The court further considered such manipulation to be detrimental to public order.

In change of events, on February 9<sup>th</sup> 2008, the supreme Administrative court issued its ruling which asserted the right of individuals who wish to return to Christianity after having converted earlier from Christianity to Islam to obtain IDs stating these changes in their beliefs. This ruling should end all allegations that the Government of Egypt forces citizens to retain their religious affiliation against their will.



## **Combating Torture**

The government of Egypt is fully committed to fulfilling its obligations under the UN convention against torture which it ratified without reservations, and to upholding the laws of Egypt in this regard. Any complaint received is immediately investigated by the Public Prosecutor's Office and by the Ministry of Interior itself and corrective actions are undertaken without delay. Any fair assessment of the situation would recognize that courts have ruled against officers who have been proven to have committed such crimes, and the officers are individually liable to pay the damages decided by the courts.

The freedom of the press in Egypt also ensures that no allegation of torture or maltreatment will go unexposed. However, the increased instances of reporting should not be interpreted as reflective of an increase of the crime. On the contrary it represents an increased awareness by individuals of their fundamental human rights and a willingness to ensure that they are reported and that perpetrators are brought to justice.

## **Baha'is in Egypt**

The draft claims that Baha'is, Shiites, Koranists, Jews and other religious minorities are severely disadvantaged by sectarian isolation. This assertion is simply baseless. Since Baha'is are most cited, they represent around 1500 citizens out of a population of 78 million. On January 29<sup>th</sup> 2008, the Cairo Administrative Court issued two rulings that affirmed the right of Baha'is to IDs. The court ruled in favor of the applicants and against the Civil Registry Authority which had declined to issue the IDs.

## **The Case of Ayman Nour**

Again Mr. Ayman Nour was convicted on criminal charges of forging official documents relevant to the creation of a political party. None of the charges brought against him were of a political nature.

Mr. Nour was tried before a regular court of law (not emergency or military). Every guarantee of a free trial was provided. The trial was open to the public and was widely attended and covered by observers, local and international media. No claims of any type of irregularity in the trial were ever made. Mr. Nour had a full team of lawyers who challenged the charges throughout the trial. He then exercised the right to appeal up to the highest level at the court of Cassation which upheld the ruling of the lower courts.

Claims of ill health necessitating early release have been considered by the competent authorities in Egypt. While suffering from some ailments, his overall health condition was not found by medical examiners to justify release. He continues to receive every medical attention necessary.

With this in mind, we find it intriguing that some of the staunchest self proclaimed advocates of the rule of law have deemed it appropriate to call for the release of Mr. Nour. This begs the question "On what grounds?" particularly after his conviction for a crime by a competent court of law in a free and fair trial.

### **Dr. Saad Eldin Ibrahim**

There are absolutely no life threats made against Dr. Saad Eldin Ibrahim. He is not expelled from Egypt and has the full liberty to operate in reform advocacy, as others are, within the framework of the rule of law.

The government has no charges filed against Dr. Ibrahim and is not party to the case filed against him by a member of Egypt's Bar Association on charges of "tarnishing Egypt's image" to which an ordinary court has recently ruled in favor of the claimant.

However, what is of significance to highlight, from the government's perspective, is that Dr. Ibrahim's defense team relied in its not guilty plea on the information furnished by the government to the court when asked to do so by the Chief Judge on the case. The government had made it clear that it does not carry a record of articles published abroad and that the external relations of Egypt are diverse and multi-faceted to which an article would not suffice or warrant grounds for the claim to be brought against Dr. Ibrahim.

If this case proves anything, it clearly renders the Wolf draft in question flagrantly baseless and deliberately misleading, as in this particular case the government is granted a clean slate of judicial impartiality and independence as well as the untrue nature of superfluous allegations of executive branch dominance over other government branches.

### **The Association for Human Rights Legal Aid**

This association was established in 1999 and registered with the Ministry of Social Solidarity as required by the Egyptian Law as it is the case for any NGO, and has been providing its services ever since without any restrictions whatsoever.

During 2007, the association initiated 8 projects funded by foreign funds without the prior consent of the relevant ministry, a matter that is not allowed by the law according to which the association was founded. The ministry of Social solidarity repeatedly communicated with the association for over six months reminding it with its obligations, and requesting that such violations be amended, but the Association ignored the communications and continued to work outside the framework of law.

The draft resolution remains on this matter again premised on misinformation, and equally unaware of the recent government drive to underline zero tolerance towards violators of human rights, a stance that was repeatedly manifested with prison sentences handed over to several police officers who were implicated in abuse charges by courts.

## Political Reform and the State of Emergency

In March 2007, another important milestone towards political reform in Egypt was achieved. The Egyptian electorate voted in favor of sweeping amendments to Egypt's constitution. The 34 amendments submitted to the referendum were drafted by the Egyptian parliament and were the result of a long process of public debates.

The broad objectives of these amendments were:

- **To enhance the role of political parties** by introducing a new election law and a better management of the electoral process ensuring its fairness, credibility and transparency.
- **To emphasize the principle of equal citizenship** rights regardless of race, religion, or gender by introducing a constitutional ban on the creation of ethnic or religious based political parties.
- **To stress the notion of the electorate** as the source of all authority by balancing the relationship between the executive and the legislative branches of government.
- **To combat terrorism** through a counter-terrorism law as opposed to emergency provisions. As soon as the new law is adopted by parliament, the state of emergency will be immediately lifted.
- **To uphold the independence of the judiciary** through abolishing the "Supreme Council of the Judiciary" and the office of the "Socialist Public Prosecutor.

## Sudanese Refugees

The events of December 2005 represent a case of a three months demonstration that resulted in violent obstruction and resistance of more than 2,500 Sudanese refugee seekers to the Police who attempted to organize demonstrators. The subsequent chaos that prevailed at the site led to several deaths and numerous injuries on both sides. Most of the deaths resulted from stampede among demonstrators who attacked unarmed police forces with gas cylinders and alcohol bottles.

Most of the participants in the site were later moved to camps provided with all necessary facilities including medical and health services, in order to start identifying their legal status, and the authorities released all those who were proven to be refugees. The authorities gave the UNHCR access to the remaining Sudanese nationals to help identifying the refugees and complete its work.

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## Specific Measures adopted by the Government of Egypt at the National Level to Further Enhance the Rights of Coptic Christians

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- 1- Facilitation of procedure regulating church building, renovation and reparation: A presidential Decree issued in 2005 delegated the authority of issuing church reparation and renovation permits to governors who must rule upon them within 30 days from the date of receiving the applications on such matters. Any rejection of any application must be accompanied by detailed reasoning. The government is also currently studying a draft unified code on building Houses of Worship that was prepared by the National Council for Human Rights.
- 2- The ministries of Education and Information have intensified efforts aimed at incorporating the values of religious tolerance in education curricula and the integration of those values into media policies.
- 3- The government has declared Coptic Christmas (7<sup>th</sup> of January) as a national holiday for all Egyptians.
- 4- The government has returned Coptic endowment land to the Church.
- 5- The government organized a high profile celebration in 2000 to commemorate the journey of the Holy Family to Egypt two millennia earlier.
- 6- A number of Coptic figures have been appointed as Cabinet Ministers, heads of judicial institutions, governors, Members of Parliament and top bureaucrats. The chairman of the National Council for Human Rights, Dr. Boutros Ghali is also a prominent Coptic figure, and the Council itself comprises a number of Coptic members.
- 7- The Independent Council on Human Rights has exerted lately a number of efforts aimed at further promoting the rights of Copts in Egyptian society, those efforts include the following:
  - Establishing a committee of experts to review all school curricula including religious schools from which Islamic preachers graduate. The objective is to ensure the consistency of the content of these curricula with the values and principles of human rights including religious freedom.
  - Holding regular hearings on the various issues of interest to the Coptic community and on incidents that involve frictions between Muslims and Copts in Egypt. With regards to the latter, the Council has sent a number of fact finding missions to examine those incidents and submits recommendations to the government on these issues.
  - Completing the drafting of a new legislation that would introduce a unified building code for all places of worship for all faiths.